

By Commissioner Martinez

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1 A proposal to create
 2 Section 21 of Article V of the State Constitution to
 3 require a state court or an administrative law judge
 4 to interpret a state statute or rule de novo in
 5 litigation between an administrative agency and a
 6 private party and not merely defer to the
 7 administrative agency's interpretation.

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 9 Be It Proposed by the Constitution Revision Commission of
 10 Florida:

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 12 Section 21 is added to Article V of the State Constitution
 13 to read:

14 ARTICLE V
 15 JUDICIARY

16 SECTION 21. Judicial interpretation of statutes and rules.-
 17 In interpreting a state statute or rule, a state court or an
 18 administrative law judge may not defer to an administrative
 19 agency's interpretation of such statute or rule, and must
 20 instead interpret such statute or rule de novo.